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IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

SUO MOTO CONTEMPT PETITION No. 3 OF 2001

The President, Industrial Court
Maharashtra, Mumbai ... Petitioner

Vs.

R. S. Pandey .... Respondent.

Mr. P.H. Kantharia, APP for the State.

Mr. Bhavesh Parmar, for the Contemnor.
Mr. R. S. Pandey, for the Respondent.

CORAM: F.I. REBELLO,
AND
R. V. MORE, JJ.

DATE : JANUARY 24, 2007.

P.C.:

. The learned APP has submitted the draft charge. Heard the learned APP and the respondent, who is present in person. Following charges are framed :

> You R.S. Pandey, representative of workers and practicing at Thane Labour Court on 22.1.1991 had appeared at 12.30 p.m. before Shri Talegaonkar Judge, IVth Labour Court, Thane in Complaint (ULP) No.82/82 after the order was passed dismissing the

complaint. Your client i.e. the complainant and yourself both were not present when the matter was called out for about 4 times after the passing of dismissal order, you being the representative of the workers appeared before the Judge IVth Labour Court and filed an application for adjournment and uttered the following words and threatened him. The words are as under:-

" I will show you. You are sitting as Labour Judge. You are Government's agent. I will show you. Do what you want to do. Write what you want to write. Is this business?"

. You looked at the Labour Judge with anger and made gesture of insult. You threatened him in the open Court in the presence of Advocates, members of the bar, litigants, representatives of worker and the staff of the Court.

. The above incident took place whilst the Judge was discharging his duty

as a Judge Ivth Labour Court, Thane.

. You have thus scandalised and lowed the authority of the Court,therefore you are guilty of committing criminal contempt and liable for punishment under section 2(c)(i) of the Contempt of Courts Act, 1971.

2. You R.S. Pandey appeared before A.L. Alaspurkar, Member, Industrial Court, Thane, in February, 1991, at that time your behaviour was very rude, instead of making submissions on law or facts, you were passing sarcastic remarks. One of those remarks was that the Industrial Courts are meant for giving justice to the industries and doing injustice to labours. You also made disorderly gestures and was also shouting at the top of your voice. You failed to maintain the dignity and decorum of the Court.

. You have scandalized and lowered the authority of the Court, therefore you are guilty of committing criminal contempt

and liable for punishment under section 2(c)(i) of the Contempt of Courts Act,1971.

3. You R.S. Pandey who was Vice President or Secretary of CITU appearing on behalf of workmen in the 1st Labour Court at Pune, in the month of February, 1991 at that time you were appearing in the Court, you used unparliamentary language before the Court.

. You have thus scandalized and lowered the authority of the Court, therefore you are guilty of committing criminal contempt and liable for punishment under section 2(c)(i) of the Contempt of Courts Act, 1971.

2. Respondent has already filed a reply dated 22nd December 2006. He however, pleaded guilty to the charges and has prayed for leniency considering that several years have passed and his age. He also states that he will not repeat what has been alleged against him the same in future and will maintain good conduct. He pleads that

the Court may consider his plea as genuine.

3. Heard parties and considered the fact that the the affidavit of the contemnor, wherein he has tendered unconditional apology. Before this Court, the contemnor pleaded guilty and has prayed for leniency. More than 16 years have passed since the contempt has taken place. The petitioner is aged over 69 years. Considering his old age and as he has pleaded guilty and shown remorse and his plea for leniency and the petitioner's statement before this Court that he will not repeat the same acts in future, ends of justice will be made if the petitioner is convicted and sentenced till the rising of the Court. Order accordingly.

4. Contempt petition is accordingly disposed of.

5. Petitioner has undergone the sentence.

[R. V. MORE, J.] **[F.I. REBELLO,J.]**